

EXHIBIT 6

WPEM, LLC v. SOTI Inc. 2:18-cv-00156

Invalidity of U.S. Patent No. 9,148,762 --- Appendix A Exhibit A-09 ABRIDGED AND HIGHLIGHTED

Invalidity of U.S. Patent No. 9,148,762 (the “’762 Patent) under 35 U.S.C. § 102 and/or § 103 by U.S. Patent Publication No. 2011/0264246 A1¹

U.S. Patent Publication No. 2011/0264246 A1 by Tina Pantoja and William Scott Taylor (“Pantoja ’246”) was published on October 27, 2011. Pantoja ’246 is therefore prior art to the ’762 Patent under at least 35 U.S.C. § 102(a).²

As described in the following claim chart, one or more claims of the ’762 Patent are invalid as expressly and/or inherently anticipated by Pantoja ’246.

In addition, to the extent that Pantoja ’246 is found not to anticipate, expressly or inherently, one or more of the asserted claims of ’762 Patent, these claims are invalid as obvious in view of Pantoja ’246 alone or in combination with other prior art references, including but not limited to the prior art identified in SOTI’s Invalidity Contentions and the prior art described in the claim charts attached in Appendix A.

SOTI reserves the right to amend or supplement this claim chart at a later date as more fully set forth in the Invalidity Contentions.

¹ The use of this reference or combinations of references as invalidating prior art under 35 U.S.C. §§ 102 and/or 103 may be based on WPEM’s allegations of infringement. SOTI does not necessarily agree with the interpretations set forth in WPEM’s contentions and thus these invalidity contentions are not an admission that the accused products meet any particular claim element or infringe these claims. Moreover, nothing in these contentions should be interpreted as an acquiescence to or assertion of a particular claim construction by SOTI. In addition, nothing in these contentions should be interpreted as a position about whether any portion of the asserted claims is limiting or not. Further, by submitting these invalidity contentions, SOTI does not waive and hereby expressly reserves its right to raise other invalidity defenses, including but not limited to defenses under 35 U.S.C. §§ 101 and 112.

² SOTI does not concede that WPEM is entitled to claim the benefit of Provisional Application No. 60/821,562 to show priority before the filing date of the ’762 Patent.

WPEM, LLC v. SOTI Inc. 2:18-cv-00156

Invalidity of U.S. Patent No. 9,148,762 --- Appendix A Exhibit A-09 ABRIDGED AND HIGHLIGHTED

	Claim Language	U.S. Patent No. 2011/0264246 A1 ("Pantoja '246")
1	A method of wireless policy enforcement management of a mobile device having one or more wireless communication capabilities from the group consisting of data services and voice services, the method comprising:	<p>Abstract:</p> <p>A method and apparatus for providing a user of a mobile device, such as a cell phone, with applicable legal or safety information, such as restrictions on the use of a cell phone, potential fines for cell phone use, potential dangers, personal protective equipment requirements, prohibitions, guidelines and the like, based on GPS position of the mobile device.</p> <p>[0003]:</p> <p>This invention relates generally to preventing danger and consequences that arise from the use of cellular phones, and in particular, their text messaging capabilities, while the users are operating a motor vehicle.</p> <p>[0017]:</p> <p>A primary object of the invention is to provide a method and apparatus that effectively deters unsafe practices of phone use while driving.</p>
1(a)	providing a software application for execution by the mobile device;	<p>[0052]:</p> <p>The SafeCell application is preferably downloadable and installable on mobile devices directly from server computer 14 or another business web site. The SafeCell application includes step by step instructions for installation and setup, including preferences, and parental controls, for example.</p>
1(b)	pre-defining a first set of specific capabilities the mobile device will be able to run during a non-transit setting;	<p>[0030]:</p> <p>As part of the web based interface provided to users is the capability to have multiple "cell phone numbers" added to a primary account. An individual, manager, business, or parent will have the ability to monitor the usage of the mobile device(s) under their account. As part of primary accounts settings is the ability to predefine the time and/or locations that a mobile device has the ability to send text messages. The account holder can also set predefined geographical areas that the mobile device should be located.</p>

WPEM, LLC v. SOTI Inc. 2:18-cv-00156

Invalidity of U.S. Patent No. 9,148,762 --- Appendix A Exhibit A-09 ABRIDGED AND HIGHLIGHTED

	Claim Language	U.S. Patent No. 2011/0264246 A1 (“Pantoja ’246”)
		<p>[0074]</p> <p>The SafeCell system provides for parental or company controls, including the ability for parents or companies to set default rules for the application. For example, parents may disable the user's ability to suspend, or interrupt, operation of the SafeCell application in order to place or receive calls, emails or text messages when in motion. Parents and companies have the ability to preload the application to new or existing phones, and application preferences have the ability to be password protected. Parents and companies have the ability to preload the application with specific times that certain features of the phone are functional. Parents and companies have the ability to preload the application with predefined geographical areas that certain features of the mobile device will function along with notification if the mobile device leaves the pre-defined geographical area(s)</p> <p>[0023]:</p> <p>The objects described above and other advantages and features of the invention are incorporated in a method and apparatus that provides positive, behavior-modifying reinforcement for deterring unsafe behaviors, including unsafe cell phone use, and in particular, text messaging (“texting”), while driving. In addition, other safety-related information, such as personal protective equipment requirements, prohibitions, or other pre-defined guidelines, may be provided to the user based on the user's location.</p>
1(c)	<p>pre-defining a second set of specific capabilities the mobile device will be able to run during an in-transit setting and storing such second set on a remote server as the mobile policy file;</p>	<p>[0027]:</p> <p>When the SafeCell application is enabled (either manually prior to beginning the user's trip or automatically), any time vehicle is moving more than 4 miles per hour, the application disables text message, email, and telephone call functionality, responding to incoming communications with an automated message to let those others know that the user is temporarily unavailable because in transit. The SafeCell application logs text messages, email, and calls that were missed when disabled due to transit. Once the SafeCell application has determined that motion has ceased, text messaging, email, and telephone functions are automatically re-enabled. In this “in transit” restricted-use mode, the SafeCell application includes an emergency override capability for 911 and up to three other</p>

WPEM, LLC v. SOTI Inc. 2:18-cv-00156

Invalidity of U.S. Patent No. 9,148,762 --- Appendix A Exhibit A-09 ABRIDGED AND HIGHLIGHTED

	Claim Language	U.S. Patent No. 2011/0264246 A1 (“Pantoja ’246”)
		<p>emergency contact numbers, such as parents, employer, etc. A passenger-use override capability may also be included.</p> <p>[0054]:</p> <p>Server computer 14 receives and collect data from mobile device client 12, including trip details (location, velocity, heading, altitude, starts and stops) and mobile device usage details. Server computer 14 manages family and enterprise account settings, including the calculation of reward points. Finally, server computer 14 includes one or more of databases 15, from which it provides information to the end users regarding the relevant laws, ordinances, prohibitions, legal, safety equipment, standards, processes, prohibitions and other forms of pre-defined guidelines (hereinafter simply “cell phone usage rules or guidelines”) for the user based on the location of the mobile device client 12.</p> <p>[0060]:</p> <p>According to a default operation setting, the restricted “in transit” mode, which restricts text message, email, and telephone call functionality when traveling at speed, may be suspended at any time by the mobile device user. However, the ability to suspend the restricted “in transit” mode may be limited due to parental settings, if desired. The SafeCell application logs when and where its restricted “in transit” mode is suspended, the particular cell phone usage that occurs during these periods, such as whether text messaging or voice telephone calls are made, what speeds and accelerations occurred during the period, and what legal restrictions were in place at the time. These parameters are logged to a web based account hosted on a SafeCell server computer, which can be accessed and reviewed by parents and employers, for example. Such web based account may include a customized landing page for the users, if desired. Additionally, for enterprise customers, reports may be available for download in excel or Adobe Acrobat file format for review and auditing of employees' adherence to the company's cell policies.</p> <p>[0063]:</p> <p>FIG. 2B is a block diagram illustrating a domain or data model of database 15. Location data for all schools, for example, is cataloged at block 16. Federal, state, county and local cell phone restrictions and prohibitions, if any, in the form of statutes, regulations, or</p>

WPEN, LLC v. SOTI Inc. 2:18-cv-00156

Invalidity of U.S. Patent No. 9,148,762 --- Appendix A Exhibit A-09 ABRIDGED AND HIGHLIGHTED

	Claim Language	U.S. Patent No. 2011/0264246 A1 ("Pantoja '246")
		<p>ordinances are cataloged at block 17. Together, this data is processed by server computer 14 so that applicable cell phone restrictions are pushed to all mobile device clients 12 based on their individual locations in real time. Subscriber account information is stored at block 18, and each user's trip details is stored at block 19.</p> <p style="text-align: center;">Fig. 2B</p>
1(d)	pre-defining a start trip speed in the software application;	<p>[0027]</p> <p>When the SafeCell application is enabled (either manually prior to beginning the user's trip or automatically), any time vehicle is moving more than 4 miles per hour, the application disables text message, email, and telephone call functionality, responding to incoming communications with an automated message to let those others know that the user is</p>

WPEM, LLC v. SOTI Inc. 2:18-cv-00156

Invalidity of U.S. Patent No. 9,148,762 --- Appendix A Exhibit A-09 ABRIDGED AND HIGHLIGHTED

	Claim Language	U.S. Patent No. 2011/0264246 A1 (“Pantoja ’246”)
		temporarily unavailable because in transit. The SafeCell application logs text messages, email, and calls that were missed when disabled due to transit. Once the SafeCell application has determined that motion has ceased, text messaging, email, and telephone functions are automatically re-enabled. . . .
1(e)	receiving and processing sensory data from the mobile device to determine when the mobile device meets or exceeds the pre-defined start trip speed;	<p>[0054]:</p> <p>Server computer 14 receives and collect data from mobile device client 12, including trip details (location, velocity, heading, altitude, starts and stops) and mobile device usage details. Server computer 14 manages family and enterprise account settings, including the calculation of reward points. Finally, server computer 14 includes one or more of databases 15, from which it provides information to the end users regarding the relevant laws, ordinances, prohibitions, legal, safety equipment, standards, processes, prohibitions and other forms of pre-defined guidelines (hereinafter simply “cell phone usage rules or guidelines”) for the user based on the location of the mobile device client 12.</p> <p>[0055]</p> <p>Mobile device client 12 preferably employs cellular data connections (including GPRS, EDGE, 3G, 4G) and includes an onboard Global Positioning System ("GPS") receiver, which can provide position velocity, heading, altitude, starts, and stops information. Assisted GPS, which utilizes cell-tower-triangulation, Wi-Fi hotspot visibility, etc., to supplement GPS, privately owned GP systems maintained by companies may also be used. The SafeCell application receives and processes input from the mobile device's GPS receiver and uses the GPS position, location, velocity, heading, altitude, starts, and stops information to log details about a user's trips. For mobile device's that include an accelerometer, accelerometer input may also be received and processed by the SafeCell application.</p> <p>[0058]</p> <p>When the SafeCell application is enabled, any time vehicle is moving more than 4 miles per hour, the application disables text message, email, and telephone call functionality, responding to incoming communications with an automated message (or for example,</p>

WPEM, LLC v. SOTI Inc. 2:18-cv-00156

Invalidity of U.S. Patent No. 9,148,762 --- Appendix A Exhibit A-09 ABRIDGED AND HIGHLIGHTED

	Claim Language	U.S. Patent No. 2011/0264246 A1 (“Pantoja ’246”)
		providing a status of “X” via Facebook or Twitter) to let those others know that the user is temporarily unavailable because in transit. . . .
1(f)	sending a signal to the remote server upon the mobile device meeting or exceeding the pre-defined start trip speed;	<p>[0054]:</p> <p>Server computer 14 receives and collect data from mobile device client 12, including trip details (location, velocity, heading, altitude, starts and stops) and mobile device usage details. Server computer 14 manages family and enterprise account settings, including the calculation of reward points. Finally, server computer 14 includes one or more of databases 15, from which it provides information to the end users regarding the relevant laws, ordinances, prohibitions, legal, safety equipment, standards, processes, prohibitions and other forms of pre-defined guidelines (hereinafter simply “cell phone usage rules or guidelines”) for the user based on the location of the mobile device client 12.</p> <p>[0058]</p> <p>When the SafeCell application is enabled, any time vehicle is moving more than 4 miles per hour, the application disables text message, email, and telephone call functionality, responding to incoming communications with an automated message (or for example, providing a status of “X” via Facebook or Twitter) to let those others know that the user is temporarily unavailable because in transit. The SafeCell application logs text messages, email, and calls that were missed when disabled due to transit, as illustrated in FIG. 9. Once the SafeCell application has determined that motion has ceased, text messaging, email, and telephone functions are automatically re-enabled. In this “in transit” restricted-use mode, the SafeCell application includes an emergency override capability for 911 and up to three other emergency contact numbers, such as parents, employer, etc. A passenger-use override capability may also be included.</p>
1(g)	the remote server pushing the mobile policy file to the mobile device and temporarily overriding the non-transit setting; and	<p>[0063]:</p> <p>FIG. 2B is a block diagram illustrating a domain or data model of database 15. Location data for all schools, for example, is cataloged at block 16. Federal, state, county and local cell phone restrictions and prohibitions, if any, in the form of statutes, regulations, or ordinances are cataloged at block 17. Together, this data is processed by server computer 14 so that applicable cell phone restrictions are pushed to all mobile device clients 12 based</p>

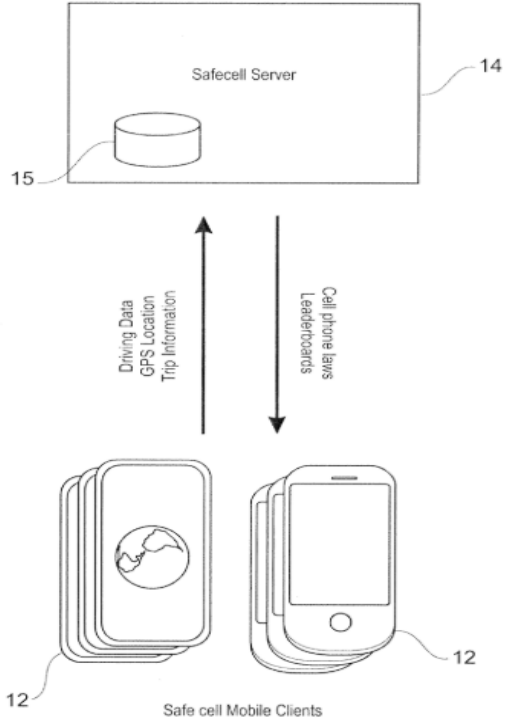
WPEM, LLC v. SOTI Inc. 2:18-cv-00156

Invalidity of U.S. Patent No. 9,148,762 --- Appendix A Exhibit A-09 ABRIDGED AND HIGHLIGHTED

	Claim Language	U.S. Patent No. 2011/0264246 A1 (“Pantoja ’246”)
		<p>on their individual locations in real time. Subscriber account information is stored at block 18, and each user's trip details is stored at block 19.</p> <p>[0027]</p> <p>When the SafeCell application is enabled (either manually prior to beginning the user's trip or automatically), any time vehicle is moving more than 4 miles per hour, the application disables text message, email, and telephone call functionality, responding to incoming communications with an automated message to let those others know that the user is temporarily unavailable because in transit. The SafeCell application logs text messages, email, and calls that were missed when disabled due to transit. Once the SafeCell application has determined that motion has ceased, text messaging, email, and telephone functions are automatically re-enabled. In this "in transit" restricted-use mode, the SafeCell application includes an emergency override capability for 911 and up to three other emergency contact numbers, such as parents, employer, etc. A passenger-use override capability may also be included.</p> <p>[0054]:</p> <p>Server computer 14 receives and collect data from mobile device client 12, including trip details (location, velocity, heading, altitude, starts and stops) and mobile device usage details. Server computer 14 manages family and enterprise account settings, including the calculation of reward points. Finally, server computer 14 includes one or more of databases 15, from which it provides information to the end users regarding the relevant laws, ordinances, prohibitions, legal, safety equipment, standards, processes, prohibitions and other forms of pre-defined guidelines (hereinafter simply “cell phone usage rules or guidelines”) for the user based on the location of the mobile device client 12.</p>

WPEM, LLC v. SOTI Inc. 2:18-cv-00156

Invalidity of U.S. Patent No. 9,148,762 --- Appendix A Exhibit A-09 ABRIDGED AND HIGHLIGHTED

	Claim Language	U.S. Patent No. 2011/0264246 A1 ("Pantoja '246")
		 <p style="text-align: center;">Fig. 1</p>
1(h)	<p>monitoring the user's interactions with the mobile device while in the in-transit setting.</p>	<p>[0060]:</p> <p>According to a default operation setting, the restricted "in transit" mode, which restricts text message, email, and telephone call functionality when traveling at speed, may be suspended at any time by the mobile device user. However, the ability to suspend the restricted "in transit" mode may be limited due to parental settings, if desired. The SafeCell application logs when and where its restricted "in transit" mode is suspended, the particular cell phone usage that occurs during these periods, such as whether text messaging or voice telephone calls are made, what speeds and accelerations occurred during the period, and</p>

WPEM, LLC v. SOTI Inc. 2:18-cv-00156

Invalidity of U.S. Patent No. 9,148,762 --- Appendix A Exhibit A-09 ABRIDGED AND HIGHLIGHTED

	Claim Language	U.S. Patent No. 2011/0264246 A1 (“Pantoja ’246”)
		<p>what legal restrictions were in place at the time. These parameters are logged to a web based account hosted on a SafeCell server computer, which can be accessed and reviewed by parents and employers, for example. Such web based account may include a customized landing page for the users, if desired. Additionally, for enterprise customers, reports may be available for download in excel or Adobe Acrobat file format for review and auditing of employees' adherence to the company's cell policies.</p> <p>[0064]:</p> <p>FIG. 3 is a block level flow chart outlining a preferred implementation of the trip logic branch of FIG. 2A wherein the movements of mobile device client 12 are tracked Its operation is illustrated as follows: A user enters vehicle and launches the SafeCell application to start a new trip, or the SafeCell application starts automatically once the application determines that the device is moving at more than 4 miles per hour. The car starts in motion, meanwhile the mobile device client 12 collects data pertaining to accelerometer and GPS activity, current location, and time. The data is used to describe a summary of the trip for later review. Specifically, the SafeCell application tracks the following data during a trip: Current location (based on GPS or Assisted GPS), estimated speed (based on GPS or Assisted GPS averaged over time), date, time, distance traveled, latitude, longitude, and interruptions. Interruptions may be caused by a number of activities, most notably incoming phone calls and text messages. The user may quit the application. The user may also suspend the SafeCell application to use the phone. When the SafeCell application is resumed, it continues tracking the trip.</p>
2	The method of claim 1, further comprising:	See 1
2(a)	determining when the trip is over;	<p>[0055]:</p> <p>Mobile device client 12 preferably employs cellular data connections (including GPRS, EDGE, 3G, 4G) and includes an onboard Global Positioning System (“GPS”) receiver, which can provide position velocity, heading, altitude, starts, and stops information. Assisted GPS, which utilizes cell-tower-triangulation, Wi-Fi hotspot visibility, etc., to</p>

WPEM, LLC v. SOTI Inc. 2:18-cv-00156

Invalidity of U.S. Patent No. 9,148,762 --- Appendix A Exhibit A-09 ABRIDGED AND HIGHLIGHTED

	Claim Language	U.S. Patent No. 2011/0264246 A1 (“Pantoja ’246”)
		supplement GPS, privately owned GP systems maintained by companies may also be used. The SafeCell application receives and processes input from the mobile device's GPS receiver and uses the GPS position, location, velocity, heading, altitude, starts, and stops information to log details about a user's trips. For mobile device's that include an accelerometer, accelerometer input may also be received and processed by the SafeCell application.
2(b)	uploading the user trip data; and	[0069]: At the end of the trip, if the game elements are enabled, the user is prompted by mobile device client 12 to name the trip (see FIG. 5) and to post it for scoring. The trip is saved to the device and uploaded to the server computer 14. Users earn points for long and/or repeated trips on which they safely leave the SafeCell application running the entire time. Interruptions to the SafeCell application reduce points.
2(c)	removing the mobile policy file and resuming the non-transit setting on the mobile device upon termination of the trip.	[0058]: When the SafeCell application is enabled, any time vehicle is moving more than 4 miles per hour, the application disables text message, email, and telephone call functionality, responding to incoming communications with an automated message (or for example, providing a status of “X” via Facebook or Twitter) to let those others know that the user is temporarily unavailable because in transit. The SafeCell application logs text messages, email, and calls that were missed when disabled due to transit, as illustrated in FIG. 9. Once the SafeCell application has determined that motion has ceased, text messaging, email, and telephone functions are automatically re-enabled. In this “in transit” restricted-use mode, the SafeCell application includes an emergency override capability for 911 and up to three other emergency contact numbers, such as parents, employer, etc. A passenger-use override capability may also be included.
3	The method of claim 1, further comprising:	<i>See 1</i>

WPEM, LLC v. SOTI Inc. 2:18-cv-00156

Invalidity of U.S. Patent No. 9,148,762 --- Appendix A Exhibit A-09 ABRIDGED AND HIGHLIGHTED

	Claim Language	U.S. Patent No. 2011/0264246 A1 (“Pantoja ’246”)
3(a)	determining a geographical location of the mobile device; and	[0055]: Mobile device client 12 preferably employs cellular data connections (including GPRS, EDGE, 3G, 4G) and includes an onboard Global Positioning System (“GPS”) receiver, which can provide position velocity, heading, altitude, starts, and stops information. Assisted GPS, which utilizes cell-tower-triangulation, Wi-Fi hotspot visibility, etc., to supplement GPS, privately owned GP systems maintained by companies may also be used. The SafeCell application receives and processes input from the mobile device's GPS receiver and uses the GPS position, location, velocity, heading, altitude, starts, and stops information to log details about a user's trips. For mobile device's that include an accelerometer, accelerometer input may also be received and processed by the SafeCell application.
3(b)	wherein when it is determined that the mobile device initially meets or exceeds the pre-defined start trip speed, the software application accesses a database containing mobile device usage restrictions and guidelines for the geographic location of the mobile device.	[0060]: According to a default operation setting, the restricted “in transit” mode, which restricts text message, email, and telephone call functionality when traveling at speed, may be suspended at any time by the mobile device user. However, the ability to suspend the restricted “in transit” mode may be limited due to parental settings, if desired. The SafeCell application logs when and where its restricted “in transit” mode is suspended, the particular cell phone usage that occurs during these periods, such as whether text messaging or voice telephone calls are made, what speeds and accelerations occurred during the period, and what legal restrictions were in place at the time. These parameters are logged to a web based account hosted on a SafeCell server computer, which can be accessed and reviewed by parents and employers, for example. Such web based account may include a customized landing page for the users, if desired. Additionally, for enterprise customers, reports may be available for download in excel or Adobe Acrobat file format for review and auditing of employees' adherence to the company's cell policies.
4	The method of claim 3,	<i>See 3</i>
4(a)	wherein determining the geographical location of	<i>See 3(a)</i>

WPEM, LLC v. SOTI Inc. 2:18-cv-00156

Invalidity of U.S. Patent No. 9,148,762 --- Appendix A Exhibit A-09 ABRIDGED AND HIGHLIGHTED

	Claim Language	U.S. Patent No. 2011/0264246 A1 (“Pantoja ’246”)
	the mobile device includes using a Global Positioning System associated with the mobile device.	
5	The method of claim 3,	<i>See</i> 3
5(a)	wherein the database includes laws regarding cellular use within the geographic location.	[0020]: Another object of the invention is to provide a method and apparatus that automatically informs the user of local laws and policies when the user enters neighborhoods, cities, counties, or states where cell phone usage prohibitions have been enacted, thus alerting the user of the potential legal consequences of driving while using a mobile communications device.
6	The method of claim 5,	<i>See</i> 5
6(a)	wherein the database includes cellular restrictions relating to schools.	[0026]: The SafeCell application accesses a database containing all legal safety equipment, standards, processes, prohibitions or other guidelines that are searchable in terms of the locality in which the prohibition applies. The SafeCell application, based on mobile devices location as determined by GPS, displays the applicable legal and safety information, if any, for their location. For example, the SafeCell application determines if the user's mobile device is within a known school zone, and if so, the application provides a notification indicating that the user is entering a “No Cell Phone Zone” and displays the corresponding icon and or potential fine(s). Similarly, if the user's mobile device is located within a known hazardous area, the application provides a notification indicating that the user is entering such an area and displays the required safety equipment, standards, processes, prohibitions and other pre-defined guidelines.

WPEM, LLC v. SOTI Inc. 2:18-cv-00156

Invalidity of U.S. Patent No. 9,148,762 --- Appendix A Exhibit A-09 ABRIDGED AND HIGHLIGHTED

	Claim Language	U.S. Patent No. 2011/0264246 A1 (“Pantoja ’246”)
7	The method of claim 3, further comprising:	<i>See 3</i>
7(a)	determining if the geographical location of the mobile device is within a geographical area of restricted use of the mobile device; and	<p>[0065]:</p> <p>A tracking screen 20, such as that illustrated in FIG. 4, is visible during a trip. This screen serves as a visual reminder to not use the phone for SMS texting, email, or other activities such as entering a school zone. Additionally, the screen may provide prompts or subtle hints to the user that their current location has strict traffic laws around cell phone usage. For example, tracking screen 20 includes icons 21, 22 that represent the applicable cellular law(s) that are in place based on their real-time GPS location. These icons may include a school house icon for either being within 900 feet of a school or if there is a specific law for using a cellular device in a school zone, a text messaging bubble icon indicating there is a cellular law in place that prohibits texting, and/or a cell phone icon indicating that there is a cellular law in place that prohibits the use of a mobile device. Each of these icons are in a gray state unless the SafeCell application identifies that there is an applicable law in place for the users immediate GPS location. The icons turn red when a cell phone law or ordinance applies. Each change in appearance will be accompanied by an audible prompt of the corresponding law or ordinance indicating that there is a cell phone law in place. The user has the freedom to acknowledge the cell phone restriction notification and disable the texting function, for example, or to discard or disregard the prompt.</p>
7(b)	restricting use of the mobile device based on the determination of whether the location of the mobile device is within a geographical area of restricted use.	<p>[0065]:</p> <p>A tracking screen 20, such as that illustrated in FIG. 4, is visible during a trip. This screen serves as a visual reminder to not use the phone for SMS texting, email, or other activities such as entering a school zone. Additionally, the screen may provide prompts or subtle hints to the user that their current location has strict traffic laws around cell phone usage. For example, tracking screen 20 includes icons 21, 22 that represent the applicable cellular law(s) that are in place based on their real-time GPS location. These icons may include a school house icon for either being within 900 feet of a school or if there is a specific law for using a cellular device in a school zone, a text messaging bubble icon indicating there is a cellular law in place that prohibits texting, and/or a cell phone icon indicating that there</p>

WPEM, LLC v. SOTI Inc. 2:18-cv-00156

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		is a cellular law in place that prohibits the use of a mobile device. Each of these icons are in a gray state unless the SafeCell application identifies that there is an applicable law in place for the users immediate GPS location. The icons turn red when a cell phone law or ordinance applies. Each change in appearance will be accompanied by an audible prompt of the corresponding law or ordinance indicating that there is a cell phone law in place. The user has the freedom to acknowledge the cell phone restriction notification and disable the texting function, for example, or to discard or disregard the prompt.
8	The method of claim 7, further comprising	<i>See 7</i>
8(a)	not restricting use of the mobile device if the call is indicated to be an emergency call.	<p>[0027]:</p> <p>When the SafeCell application is enabled (either manually prior to beginning the user's trip or automatically), any time vehicle is moving more than 4 miles per hour, the application disables text message, email, and telephone call functionality, responding to incoming communications with an automated message to let those others know that the user is temporarily unavailable because in transit. The SafeCell application logs text messages, email, and calls that were missed when disabled due to transit. Once the SafeCell application has determined that motion has ceased, text messaging, email, and telephone functions are automatically re-enabled. In this “in transit” restricted-use mode, the SafeCell application includes an emergency override capability for 911 and up to three other emergency contact numbers, such as parents, employer, etc. A passenger-use override capability may also be included.</p> <p>[0066]:</p> <p>Buttons 24, 26 to suspend and resume the SafeCell application are provided, and an Emergency button 28 to allow emergency calls is provided. Pressing Emergency Button 28 opens Emergency Screen 40, from which 911 or other preprogrammed numbers may be quickly dialed by a single selection.</p>

WPEM, LLC v. SOTI Inc. 2:18-cv-00156

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	Claim Language	U.S. Patent No. 2011/0264246 A1 (“Pantoja ’246”)
9	The method of claim 1,	<i>See</i> 1
9(a)	wherein the mobile device is one of a cellular telephone, a personal digital assistant, a pager, a portable computer, and a portable communication device.	<p>[0051]:</p> <p>FIG. 1 illustrates a preferred embodiment of the invention, including a central server computer 14 in communication with a SafeCell software application residing in and executed by a cell phone, smart phone (such as an iPhone® or Android® device), or personal digital assistant (“PDA”) (such as a Palm Pilot® or Blackberry® device), or tablet computer (such as the Motorola Galaxy®, or iPad® devices) hereinafter simply referred to as a mobile device client 12. Preferably, numerous mobile device clients 12 (each running a SafeCell application) are in combination with the central server computer 14.</p>
10	The method of claim 1, further comprising	<i>See</i> 1
10(a)	enrolling the mobile device in the management system.	<p>[0074]:</p> <p>The SafeCell system provides for parental or company controls, including the ability for parents or companies to set default rules for the application. For example, parents may disable the user's ability to suspend, or interrupt, operation of the SafeCell application in order to place or receive calls, emails or text messages when in motion. Parents and companies have the ability to preload the application to new or existing phones, and application preferences have the ability to be password protected. Parents and companies have the ability to preload the application with specific times that certain features of the phone are functional. Parents and companies have the ability to preload the application with pre-defined geographical areas that certain features of the mobile device will function along with notification if the mobile device leaves the pre-defined geographical area(s). FIG. 13 illustrates a signup screen 110. Signup screen 110 appears after the SafeCell application has been successfully downloaded to a mobile device. The subscriber inputs appropriate information into each of the fields. FIG. 14 illustrates an account management screen 120, in which multiple devices can be associated with a family account, for example. FIG. 15 illustrates a password entry screen 130 that may be used in conjunction with parental or company control.</p>

WPEM, LLC v. SOTI Inc. 2:18-cv-00156

Invalidity of U.S. Patent No. 9,148,762 --- Appendix A Exhibit A-09 ABRIDGED AND HIGHLIGHTED

	Claim Language	U.S. Patent No. 2011/0264246 A1 (“Pantoja ’246”)
11	The method of claim 10, further comprising	<i>See</i> 10
11(a)	allowing the management system to fully scan and document all hardware related information of the mobile device, all software installed on the mobile device, security settings, all third party software loaded to the mobile device, and all system settings of the mobile device.	<p>[0054]:</p> <p>Server computer 14 receives and collect data from mobile device client 12, including trip details (location, velocity, heading, altitude, starts and stops) and mobile device usage details. Server computer 14 manages family and enterprise account settings, including the calculation of reward points. Finally, server computer 14 includes one or more of databases 15, from which it provides information to the end users regarding the relevant laws, ordinances, prohibitions, legal, safety equipment, standards, processes, prohibitions and other forms of pre-defined guidelines (hereinafter simply “cell phone usage rules or guidelines”) for the user based on the location of the mobile device client 12.</p> <p>[0027]:</p> <p>When the SafeCell application is enabled (either manually prior to beginning the user's trip or automatically), any time vehicle is moving more than 4 miles per hour, the application disables text message, email, and telephone call functionality, responding to incoming communications with an automated message to let those others know that the user is temporarily unavailable because in transit. The SafeCell application logs text messages, email, and calls that were missed when disabled due to transit. Once the SafeCell application has determined that motion has ceased, text messaging, email, and telephone functions are automatically re-enabled. In this “in transit” restricted-use mode, the SafeCell application includes an emergency override capability for 911 and up to three other emergency contact numbers, such as parents, employer, etc. A passenger-use override capability may also be included.</p>
12	A method for remotely applying pre-defined policies to a mobile	<i>See</i> 1

*WPEM, LLC v. SOTI Inc. 2:18-cv-00156***Invalidity of U.S. Patent No. 9,148,762 --- Appendix A Exhibit A-09 ABRIDGED AND HIGHLIGHTED**

	Claim Language	U.S. Patent No. 2011/0264246 A1 (“Pantoja ’246”)
	device on the basis of the speed the mobile device is travelling, comprising:	
12(a)	enrolling the mobile device in the system;	<i>See</i> 10, 10(a)
12(b)	providing a software application for execution by the mobile device, the mobile device characterized by having one or more wireless communication capabilities from the group consisting of data services and voice services and associated with a navigation component that provides navigation data;	<i>See</i> 1, 1(a)
12(c)	pre-defining a first set of specific capabilities the mobile device will be able to run during a non-transit setting and storing such first set on a server as the user's non-motion policy file;	<i>See</i> 1(b)

*WPEN, LLC v. SOTI Inc. 2:18-cv-00156***Invalidity of U.S. Patent No. 9,148,762 --- Appendix A Exhibit A-09 ABRIDGED AND HIGHLIGHTED**

	Claim Language	U.S. Patent No. 2011/0264246 A1 (“Pantoja ’246”)
12(d)	pre-defining a second set of specific capabilities the mobile device will be able to run during an in-transit setting and storing such second set on the server as the user's mobile policy file;	<i>See</i> 1(c)
12(e)	upon determining the mobile device is travelling at or above a pre-configured start trip speed,	<i>See</i> 1(d)-(e)
12(f)	pushing the user's mobile policy file to the mobile device and temporarily overwriting user's non-motion policy file; and	<i>See</i> 1(g)
12(g)	monitoring the user's interactions with the mobile device while in the in-transit setting; and	<i>See</i> 1(h)
12(h)	gathering hardware and software sensory data including GPS, accelerometer, and hardware unique data	<i>See</i> 1(e)

WPEM, LLC v. SOTI Inc. 2:18-cv-00156

Invalidity of U.S. Patent No. 9,148,762 --- Appendix A Exhibit A-09 ABRIDGED AND HIGHLIGHTED

	Claim Language	U.S. Patent No. 2011/0264246 A1 (“Pantoja ’246”)
	elements while in the in-transit setting.	
13	The method of claim 12, further comprising	<i>See</i> 12
13(a)	upon determining a trip is over, the provided software application will upload the user trip data to a remote user's account.	<i>See</i> 2(a)-(b)
14	The method of claim 13,	<i>See</i> 13
14(a)	wherein the user trip data includes all violations, accelerometer and device sensor telemetry.	<p><i>See</i> 12(h)</p> <p>[0055]:</p> <p>Mobile device client 12 preferably employs cellular data connections (including GPRS, EDGE, 3G, 4G) and includes an onboard Global Positioning System (“GPS”) receiver, which can provide position velocity, heading, altitude, starts, and stops information. Assisted GPS, which utilizes cell-tower-triangulation, Wi-Fi hotspot visibility, etc., to supplement GPS, privately owned GP systems maintained by companies may also be used. The SafeCell application receives and processes input from the mobile device's GPS receiver and uses the GPS position, location, velocity, heading, altitude, starts, and stops information to log details about a user's trips. For mobile device's that include an accelerometer, accelerometer input may also be received and processed by the SafeCell application.</p>